

I.

THE HARMONY OF POWER AND LAW,  
THE BASIS OF REPUBLICANISM:

AN

A D D R E S S,

DELIVERED BEFORE THE

MOULTRIE AND PALMETTO GUARDS,

JUNE 28TH, 1856,

IN

HIBERNIAN HALL,

BY W. R. TABER, JUN.

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CHARLESTON:  
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1856.

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CHARLESTON, JULY 8th, 1856.

Mr. W. R. TABER, Jr.

Dear Sir.—At a meeting of the Moultrie Guards, held last night, it was unanimously  
Resolved, That a Committee of five be appointed, to request Mr. W. R. TABER, Jr., to furnish for publication, a copy of the chaste and eloquent Oration delivered by him on the 28th of June last."

Many persons who heard it, desire to see it in print, and others who were not present, would be pleased to read it. Hoping that you will comply with this request, we remain,

Yours, very truly,

MERCURY OFFICE, {  
CHARLESTON, July 10th, 1856. }

Messrs FLAGG, PALMER and OTHERS:

Gentlemen,—Your letter on behalf of the Moultrie Guards, expressive of their kind opinion of my Address, and requesting a copy for publication, has been received. In acknowledging my obligations to the Moultrie Guards, for this further honor conferred on me, I cannot but add, gentlemen, that in my honest judgment, the Address contains little, which justifies the perpetuity your partiality would give it. It was written for an occasion, and whatever merit it may possess, belongs solely to the occasion. But you think differently, and grateful for your kindness, I comply with your wishes. The manuscript is at your disposal.

I am, gentlemen, sincerely yours,

W. R. TABER, JR.

## A D D R E S S .

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*Gentlemen of the Moultrie and Palmetto Guards :*

When Crœsus, King of Lydia, inquired of Solon, whom he regarded the happiest of mortals, he was astonished at being answered, "Tellos the Athenian." "For," said Solon, "to Tellos, the citizen of a well governed state, were born children beautiful and brave, and after a well spent life, he died gloriously in battle against the enemies of his country, and the Athenians buried him where he fell, and honored him greatly."\*

This story, so classic in itself, points a moral of universal application. Happily for virtue, human actions are not measured by the standard of mere display. We honor the work, however lowly the instrument—we surround with praise the instrument itself. We bow in reverence at the passing bier of modest excellence—we weep over the misfortunes of genius beggared and despised—we rise up in sympathy with the powerless and oppressed. The pages over which we linger most fondly, are not those in which grandeur, and wealth, and power are portrayed ; but with swelling hearts, and bated breath, we pause where heroism battles with misfortune, where patriotism, weak in numbers, and strong only in spirit, struggles against odds, and where fame stoops even to the dust to erown "the fallen, the prostrate, and the dead."

The American Revolution, certainly cannot rank among the great military pageants of history. The countless hosts of Xerxes, the panoplied armies of the Crusaders, and even the secondary wars of modern Europe, far surpass it, in all that strikes the eye, or dazzles the fancy. We see greater numbers, greater equipments, greater loss of life, on one side in the Crimea, than were on both sides during the whole Revolution.

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\* Herodotus.

And more ammunition was expended in the fifteen days' bombardment of Sebastopol, than was expended from Bunker's Hill to King's Mountain.

But there was in the American Revolution, that which neither the invasion of Xerxes, nor the Eastern war possessed. It was the cause not of conquest, not of power, not of selfish ambition, but of freedom; and this cause, wherever and whenever it inspires men, ennobles with immortal interest, the humblest incidents. As DeQuincey says of the last Greek Revolution, the American Revolution was "full of romance." It brought out on the one side the pride of long established dominion, and on the other, a chivalric spirit, which paused at no sacrifice, and a devotion to that still wild but abounding land, to which, as to a mother's bosom, the pioneers of America had come. And in South Carolina, we all know what it was—how from the mountain gorges to the sea-coast, blood and devastation reigned, yet withal a knightly spirit. "It was filled with change, and with elastic bound from what seemed final extinction, with the spirit of adventure carried to the utmost limits of heroism, with self devotion on the sublimest scale, and the very frenzy of patriotic martyrdom: with resurrection of everlasting hope, upon ground seven times blasted by the blighting presence of the enemy, and with flowers radiant in promise, springing forever from under his very tread."

It is not my purpose, gentlemen, to portray to you the events which marked the day whose anniversary we now commemorate. I assume that every where in South Carolina, the mention of the 28th of June, summons familiar traditions. The little Palmetto Fort, and its brave defenders—Thomson's Riflemen at the East end—Sir Peter Parker's fleet—Jasper's flag—old Moultrie with his pipe—Charleston, in her days of Cavalier pride—her house-tops, and steeples crowded with anxious hearts, mingling their shouts with the breath of ocean, the voice of cannon, and the peal of bells—all are familiar to you, and I see how the bare mention even now, mantles your

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\*DeQuincey.

cheek with honorable pride. Let memory be eloquent, for me.

There is, in the life of every people, a time in which its character and civilization are moulded. At such time, come forth the men, who stamp as it were upon a whole nation the type which is henceforth to pervade its being. They originate the *ideas* whose preservation is the condition of their nationality. History lights us, as it were, among the graves of nations. One by one we count the mounds, and read the epitaphs. Geology itself is not more curious, in its revelations of type, and race, than history in its traditions, its strange traditions, of departed nations. Some were extinguished by oppression, some fell beneath the tread of conquest, while the vast majority have simply fallen, where they arose, amid the ruins of their own greatness, and by the decay of those ideas which formed and distinguished them. The men who originated their national life, who planted, and, perhaps, with their blood, fertilized the soil—the men from whose loins sprang the race, that with the wings of morning went forth “conquering and to conquer,” have passed away, and in their place came others, with feeble faith ministering at the old altars, and preparing the solemnities of approaching dissolution. The Revolution was the seed-time of America.

A true conception of the principles which underlie the government is essential among a free people. In absolute governments, that knowledge need only be imparted to the sovereign and his ministers. The *law* being in his own breast, *he* is in fact a “*law unto himself*,” and unto the whole people. But in a republic, *the citizen* is the source of the *law*, and to him therefore that knowledge is essential. For the *citizen* it is not enough, that he should struggle for wealth, content with his physical and social well-being—not enough, that he should launch upon the fields of enterprise, and emulate the fame of Fulton and Cartwright—not enough that he should even passively obey the laws. But a part of the government—nay, the government itself, with rights to exercise, and rights to guard, he cannot properly discharge his

trusts, without a knowledge, to some degree at least, of the principles which form his government. "How immeasurably important," says Lord Brougham, "is it in countries living under a free government, that those whom the constitution recognizes as sharers more or less directly in the supreme power, should have a correct knowledge of the principles upon which their rights and their interests depend!"

On this memorable day then, gentlemen, amid the happy fruits which surround us, of the valor and virtues of the men of '76, let us pause and catch, if we can, the spirit of those times—ay, the spirit of the men, who stamped the American character.

There is one event in our history, which has always seemed to me to embody, more than any other, a just conception of the American character. You will remember, that at the close of the war, the government was threatened with a great domestic peril. From the beginning, pecuniary embarrassments had crippled its exertions, and made the maintenance of the war a seeming impossibility. With naked backs, and bleeding feet, the army faced the winters of the North, and fell stricken with pestilence on every side. Poverty and destitution seemed destined to extinguish the flame which still burned in the breasts of thousands, and by their goading process, to mend the failures of British arms. Turning back to that fearful time, nothing but a *special* Providence seems to have rescued the hopes of America. Peace found the government impoverished and exhausted. The remnant of the army, which had survived the long and bitter struggle, now that independence and peace smiled upon the land, looked anxiously to Congress for the payment of their just dues. Many wanted the means even of returning home, while all felt, in a greater or less degree, the pains of poverty. The army had given *freedom* to the country, ought not the country to give a support to the army? Distressed and indignant, they appealed to Congress for relief. But the Government itself was bankrupt, and what relief could it give? The spirit of insubordination, excited by suffering, the delays of justice, and fiery appeals, took root among the

officers, and soon threats from the camp were borne into the Halls of Legislation—*threats* of men with arms in their hands, burning with a sense of wrong, and well nigh desperate from want—threats not of bravado, but of conscious power, against confessed and visible weakness. It was the most critical moment of all. Never in the darkest hour of the Revolution, was liberty so endangered. We can imagine the pangs of those great architects of American institutions, when they beheld the fair edifice, reared with so much toil, and upon whose summit had just risen the gleam of success, thus threatened with destruction. But the genius of American institutions finally triumphed. Insubordination vanished before the appeals of reason—the half-drawn sword sank quietly back into its scabbard—and *law*, the only basis of freedom, “whose seat,” in the sublime language of Hooker, “is the bosom of God, and whose voice is the harmony of the world, to whom all things in Heaven and earth do homage, the very least as feeling her care, and the greatest as not exempted from her power”—descended upon the troubled scene. This single passage of American history, contains, to my mind, the germinating idea of the American character—*the harmony of power and law*.

None honor more than myself the spirit of resistance to oppression. There is a sublimity in that wild up-leaping of the goaded heart, that desperate charge of nature galled with long servitude. A people incapable of *this*, upon whom have settled a stubborn apathy, and who hug their chains while cursing their oppressors, such a people are lost to liberty. The memories of the past bring neither shame to their cheeks, nor aspirations to their souls. There is no resurrection of national life for such a people.

But Revolution, to bear fruits worthy of history, must have more in it, than the mere spirit of resistance. Strong as the *hatred* of tyranny must be the *love* of law; and upon its banners, floating it may be, over bloody fields and burning cities, there must ever shine, clear as the white plume of Navarre, as the hope and end of all its struggles, the peace and good order of society. Revolution without *this*, is but a convulsive spasm,

suddenly started, and as suddenly falling. Its miserable victims, flying like caged birds against their bars, longing for the free air without, which, had they reached, their weak pinions would have essayed in vain. How often are revolutions successful in *war*, how rarely successful in peace. Upon the grave of tyranny springs anarchy; and the last hope which consoled the dying hero of *to-day*, that his blood would purchase for posterity, security and freedom, is extinguished by the events of *to-morrow*. Better, far better, that oppression should never awake to resistance, than that anarchy should destroy the fruits of valor.

But this harmony of power and law, as the leading idea of the American character, is exemplified not only in the conduct of the Revolution, but in our organic law. In a Republic, the people are the source of power. They make and unmake the laws. Within constitutional forms they are sovereign, and constitutional forms are but self-imposed limitations. Now, our organic law, the Constitution of the United States, declares that, "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Thus the American system vests the sword and the civil authority in the same hands, neither to be exercised to the detriment of the other, and both harmonizing in the support of the State. In honor of the men who achieved American freedom—in honor of that hardy peasantry which went forth, with the familiar weapons of their daily sport and sustenance—in honor of a citizen soldiery, the trustees of whose fame I now see before me—that *idea* is planted in your Constitution, guaranteed by the most solemn provisions, and perpetuated at every stage of your progress. It acknowledges that the true principle of government is not to brutalize or to fetter, but by elevating hope, to elevate passion—and by fostering a manly pride of character, to make honor and obedience go hand in hand. It is indeed a glorious idea. It stands out in such bright contrast with that suspicious fear of the people, which broods over the annals of despotism. It is a tribute to that better humanity, which is inseparable from

human hope, and faith, and greatness—a humanity, at times soiled with meanness, and contempt; but yet ever yearning and struggling for higher things, and in the depths of its wretchedness, re-pluming itself for another flight upwards, and to God.

Xenophon, in his *Cyropædia*, which, in fact, embodies the sketch of Spartan education, says that three things were taught—"to ride, to use the javelin, and to speak the truth." If this simple manual be accurately analyzed, it will be found to contain the germ of that very *idea* which, in my opinion, underlies the American system. Horsemanship, and skill in arms, typified a citizen soldiery, while *to speak the truth*, implies whatever is elevated in manhood, or bright in patriotism. It is a perfect blending of the two fundamental ideas of republican government, *power*, controlled and directed by integrity and the good of society—the same hands moulding the laws, yet obeying them ; the same authority creating the State and preserving it. Feebly analogous to that high Omnipotence, which "spake and it was done, commanded and it stood fast"—government based upon such a principle, seems by the very analogy, to be anointed of God. As man was made in the image of his Maker, and, despite his errors, still bears within him the spark of his divinity, so such a government, in the midst of its failings, bears with it the stamp of the godlike truth, which governs and sustains the universe.

It is often said, that American liberty is an experiment, and the remark is true in many details. But American liberty is not an experiment in its principles. Democratic institutions date back to the earliest periods, and Democratic institutions are ever based upon the same ideas. Doubtless, experience has greatly modified those ideas. But the gerin has ever been the *same*, palpable and distinct. The sun which rose on the Acropolis at Athens, and lighted forth her little armies—the spirit which wafted and scattered the seeds of Greek civilization—the stars which looked calmly down upon the pass at Thermopylæ, and the bloody sea at Salamis, were witnesses to the same ideas which echoed forth eighty years ago from

yonder fort, and whose success has made America what *she is!* Italy too, crushed and degraded, still wears of the trophies of the old Republic. Mont Blanc still towers in cold splendor over the pass of Mogarten, and the grave of William Tell. The shade of Von Artevelde hovers now over the city to which he gave freedom and life. But the reason why Greece is a memory, and Rome a mocking spectre, and the free Free Flemish towns a legend, is that the spirit of their past is fled. If it has come to our shores, shall we not, while cheered by the spectacle of their former greatness and warned by their fall, learn to love and cherish it?

Law is the basis and pledge of Society. Individual and national prosperity are equally impossible without it. When anarchy frowns upon a people, every interest withers—and every defiance of law is a step towards anarchy. Speculate as we may about the origin of government, adopt the theory of a "social contract," or bow before "the divine right," all must agree in the supremacy of law. We cannot conceive of any society, in which law in some form is not acknowledged. In the wild jungles of Africa, as well as the abodes of the civilized man, in despotism and in free institutions, there exists the same all-pervading necessity. In despotism, it rests upon force—in free government, upon willing obedience and opinion. This idea is no where in all history more powerfully and beautifully illustrated, than in the language and conduct of Socrates. Go with me back to that cheerless prison, upon whose floor is stretched the form of the condemned philosopher. It is early morning, and his friends have come to prepare him for flight. The way, they tell him, is safe, the plans ready, his friends resolute. He has been unjustly and cruelly sentenced to die. Wherefore, say they, hesitate to fly, and leave the ungrateful city? Why give yourself up a willing victim to the malice of your accusers? Hear, and mark well his reply. The laws of Athens gave me a home, gave me a country. They protect my children, and open to them the paths of honor and usefulness. They bind and foster society in all its relations. If I escape, the laws are set at defiance, and brought into con-

tempt. What is society without *law*, and what is *law* without *obedience*? It is better that I should suffer, than that the laws be defeated. For, to use his own words, "a citizen should neither decline, recede from, nor desert his rank; but in war, in a court of justice, and every where, the commands of his country should be obeyed." Such was the wisdom of this ancient Greek! His utterings are the voice of universal truth—a truth illustrated upon every page of history—which gave vigor and unity to States contemptible in size and power—a truth which lies at the very bottom of Anglo-American liberty,—proclaimed alike in anarchy and in order,—a truth which is to the *citizen*, what the capitol is to the column, the *crowning excellence*.

The Republics of Mexico, Central and South America, present in our day the most startling examples. Revolution follows tyranny, and anarchy revolution, in such quick succession, that the mind is completely bewildered in the contemplation. No spirit of law pervades the masses, but a vague passion for change. Torn by the wrangling of demagogues, society enjoys no repose, while national character is lost in the war of factions.

But I have said that military skill and organization, was a part of the education of the citizen. We all know how learning and true religion, have at times been kept alive by a few devoted men. And we have memorable instances of what the same zeal has accomplished in keeping alive the aspirations of liberty. It is now thirty years since the Greeks revolted against their Turkish masters, and there may be some in this audience who remember the thrill of sympathy which stirred all Christendom in their behalf. For centuries they had groaned beneath an oppression, more than any other "fitted to break men's spirit." "They were," says a historian, "in the habitual intercourse of life, subjected to vexations, affronts, and exactions, from Mahometans of every rank. Spoiled in their goods, insulted in their domestic honor, they could rarely obtain justice. The slightest flash of courageous resentment brought down swift destruction on their heads, and cringing

humility alone enabled them to live in ease or even in safety.”\* But suddenly uprose the prostrate spirit. Again, from the hills of Attica and the plains of Sparta, rang out the shouts of a revolution, “which was to call us with the trumpet of the resurrection from the grave, the land of Epaminondas and Timoleon—the shout of revolt, and patriotic battle, which ran through every nook of Greece, and caused every ear to tingle.” The world was amazed. Through the long night of oppression, no signal of hope or resistance had ever lighted the sky. All seemed black, hopeless, dead. Whence sprang now the hero-spirit? What kind hand had nursed in secret the flame of patriotism? Let the answer be remembered and treasured, wherever there are rights to maintain and a country to defend—*a citizen soldiery*. A little band of militia, called Armatoles, numbering not more than ten thousand men—they cherished, amid goading and exaction, the blessed faith, that day would yet dawn upon their down-trodden land, and Freedom revisit her long deserted home.

On the other hand, the want of military training among the people, has within the last two years brought a powerful nation to the most humiliating expedients. I allude to the necessity to which England has been forced in the Eastern war. True, there is in England a so-called militia system. But it is wholly distinct from what we understand by it. It does not embrace the military training of the whole people, and the enlistment of every man capable of bearing arms. And what was the result? After a peace of forty years, the pride of England is touched by Russian progress—war is declared, and before the walls of Sebastopol, she renews the oft repeated struggle for British predominance. But carnage, and pestilence, soon thin her ranks, and while France is pouring her tens of thousands into the Crimea, storming the Malakoff, and plucking all the glories of the war, England is compelled to raise her straggling recruits from among the outcast and desperate of foreign nations. The military spirit of her people, from long desuetude, was extinct, and the world beheld the spectacle of a nation of thirty millions, relying upon foreign

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\* Gordon.

hirelings for the vindication of its honor, and the prosecution of its conquests. Yes, and this same necessity, has well nigh plunged her into a war with us—the people above all others that should be the last.

It is then with no little concern, that we must regard every attempt to weaken the taste of arms among us. The example of Greece on the one hand, and England on the other, may well determine us against the abandonment of the *idea*, illustrated upon every battle field of the Revolution—that the bulwark of a country, a free country, is a *citizen soldiery*. Blend, therefore, law-abiding virtues and military skill in the *citizen*, and you have an instrument fitted to the work of cherishing and preserving the commonwealth.

And now, gentlemen, bear with me while I bring these remarks to a practical conclusion. Harmony of power and law—the inspiration of republican institutions in all times—and of the American character,—let us see how it applies to us now. I will not attempt a sketch of the progress of the people of these United States. You all know how, as a mighty tide, a new civilization invaded this Western land, and swept away, in a few generations, the homes and customs of the Indian. You know how that tide is swelling still, from Canada to Central America, now climbing the peaks of the Sierra Nevada, and resting upon the golden bosom of California. Our ships plough every sea, and gladden with their burdens, the most distant shores. And I may add, with a just pride, that above all, spreading peace and plenty in its way, glistens the white emblem of Southern civilization. National vanity is almost justified by national greatness. But it is in just such times, that dangers creep in and make headway. In just such times that wisdom holds up the lights of the past, and bids us be wary of our steps. Look around you. Mark the anomaly of a people prospering, and at peace with all the world, yet torn within by bitter discord. See a government framed to ensure “domestic tranquillity” and security, perverted to aggression and fanaticism. See, in the seats, where sober patriots sat, corrupt, brawling demagogues. See statesmanship, the

great science of society, degraded to mere party cunning, and the play for spoils. See wastefulness and profligacy rioting in the very temple of legislation. Then turn your eyes to that distant territory, where but yesterday the Indian and the buffalo made their habitation, and mark the war of assassination waged—a war in which our school-fellows and play-mates are the actors, and upon the issue of which hangs the question of Southern equality.

Would you know the reason? It is in a sentence. The North has been faithless to its trusts, as the dominant section of the Union—faithless to the spirit of Republicanism. It has abused its power to trample upon law, and thus violated the harmony, without which free institutions are impossible. And the malady is preying upon its own vitals. The same spirit which betrays it into aggression upon the South, awakens lawlessness at home. Power abused, law violated, strike down the rights of the minority at the North as well as the minority at the South. Sectional war, and party war, sectional violence, and party excess. Abolitionism, and mobocracy, are all phases of the same picture. And, gentlemen, what are we—we of the South, the marked victims of this storm—what are we to do? I am not here to stir you to “a sudden flood of mutiny”—“I only speak right on; I tell you that which you yourselves do know.” When I say that the South has fallen back in political power, I need only point you to Washington, and you see it. When I say that your institutions are in peril—the blood of Southern men in Kansas attests it. And when I declare that the South has forborne, even to the point of shame, your own hearts silently confess it. Patriotism is no holiday dress, wherein to strut that fools may gape and stare. To avail anything, it must be an active, abiding conviction. It must inspire all our actions. “Forsake her not, and she shall preserve thee; love her, and she shall keep thee.” A great day like this, is an occasion we have no right to disregard. And, gentlemen, let me here express most heartily the pride I feel, in the position you have assigned me. Days like this in a people’s history,

are as green islands of the sea, at which the wearied mariner stops, to refresh his spirit, and re-adjust his bearings. They remind us of a time, when American life was not what it now *is*, but when the sword and the torch were the arbiters of right. Yes I can almost see that dashing cavalier race, as they trod the wild woods of Carolina, with a step as "manly, firm and confident, as the MacGregor, when his foot was on his native hills, and his eye on the peak of Ben Lomond,"\* proud in the knowledge of his rights, and his courage to maintain them. And it is the lesson of that same manly pride and independence, which the traditions of this day are fitted to teach. We should come to this celebration, in the spirit which a few years ago signalized one of the most beautiful incidents in all history. The glorious genius of Robert Burns, which had made all Scotland musical, went out at last, in darkness and sorrow. But his song had fallen into the mellow soil of a people's heart, and in castle and cottage, on the faltering lips of age, and the passionate tongue of youth, his name, and minstrelsy, became "familiar household words." And so it was, until years after his death, the people of Scotland, moved as by a common impulse, rose up to do him honor. On the anniversary of his birth, tens of thousands flocked from all quarters, to his humble home, and there, with one heart and voice, until his native hills of Ayr took up the sound—they sang "Ye Banks and Braes of Bonnie Doun." And so may we, standing in the sight of Moultrie, inspired by its memories, with the same sky above us, and the same ocean at our feet, in the hope of an honorable future, conscious in the ability to do all that becomes a free people, from failure and defeat, ever rising upward, *resolve* that we shall keep pure and bright in our generation, its precious legacy.

God has given us a land glorious in its productions, a social organization simple and humane, and he has peopled it with a race, that have never blenched in the presence of danger, nor consented to inferiority. He has made the commerce of the world tributary to cotton, and while I speak, millions of men, women and children, in distant lands, bless Him for the

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\* Prentiss.

showers which descend upon our fields. Starvation stalks not in our streets, and the pauper-house offers its charities in vain. The angry mutterings of labor against capital disturb not our quiet, and *isms* die the very moment they touch our soil. I would, gentlemen, that I could portray to you the picture which oftentimes rises to my mind, when I think of the destiny of the South, if her people be only true to themselves. A republic of slave institutions—harmonizing social antagonism—making citizenship a pride—protecting an inferior race from violence and destitution—stretching onward, and yet onward, its peaceful conquests, in the midst of wild contentions, united within—in which every man is a soldier, and every soldier a citizen—a Republic strong in law, and strong in power, and whose good deeds, like the light from Stromboli, in the night storm of the Mediterranean, shall shine cheerfully and hopefully along the track of time.